

Calendar No. 600

104TH CONGRESS  
2D Session

**S. 695**

**A BILL**

To provide for the establishment of the Tallgrass  
Prairie National Preserve in Kansas, and for  
other purposes.

SEPTEMBER 16, 1996

Read with an amendment

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IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 5), 1995

Mrs. KASSEBAUM (for herself Mr. DOLE, and Mr. BOND) introduced the fol-  
lowing bill; which was read twice and referred to the Committee on En-  
ergy and Natural Resources

SEPTEMBER 16, 1996

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To provide for the establishment of the Tallgrass Prairie  
National Preserve in Kansas, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Tallgrass Prairie Na-  
5       tional Preserve Act of 1995”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Of the 400,000 square miles of tallgrass  
4 prairie that once covered the North American Con-  
5 tinent, less than 1 percent remains, primarily in the  
6 Flint Hills of Kansas.

7 (2) In 1991, the National Park Service con-  
8 ducted a special resource study of the Spring Hill  
9 Ranch, located in the Flint Hills of Kansas.

10 (3) Such study concludes that the Spring Hill  
11 Ranch—

12 (A) is a nationally significant example of  
13 the once vast tallgrass ecosystem, and includes  
14 buildings listed on the National Register of His-  
15 toric Places pursuant to section 101 of the Na-  
16 tional Historic Preservation Act (16 U.S.C.  
17 470a) which represent outstanding examples of  
18 Second Empire and other 19th Century archi-  
19 tectural styles; and

20 (B) is suitable and feasible as a potential  
21 addition to the National Park System.

22 (4) The National Park Trust, which owns the  
23 Spring Hill Ranch, has agreed to permit the Na-  
24 tional Park Service—

25 (A) to purchase a portion of the ranch, as  
26 specified in this Act; and

1                   ~~(B)~~ to manage the ranch in order to—

2                               ~~(i)~~ conserve the scenery, natural and  
3                   historic objects, and wildlife of the ranch;  
4                   and

5                               ~~(ii)~~ provide for the enjoyment of the  
6                   ranch in such manner, and by such means,  
7                   as will leave such scenery, natural and his-  
8                   toric objects, and wildlife unimpaired for  
9                   the enjoyment of future generations.

10       ~~(b) PURPOSES.—~~The purposes of this Act are as fol-  
11       lows:

12                   ~~(1)~~ To preserve, protect, and interpret for the  
13       public an example of a tallgrass prairie ecosystem on  
14       the Spring Hill Ranch, located in the Flint Hills of  
15       Kansas.

16                   ~~(2)~~ To preserve and interpret for the public the  
17       historic and cultural values represented on the  
18       Spring Hill Ranch.

19       **SEC. 3. DEFINITIONS.**

20       As used in this Act:

21                   ~~(1) ADVISORY COMMITTEE.—~~The term “Advi-  
22       sory Committee” means the Advisory Committee es-  
23       tablished under section 7.

1           (2) PRESERVE.—The term “Preserve” means  
 2           the Tallgrass Prairie National Preserve established  
 3           under section 4.

4           (3) SECRETARY.—The term “Secretary” means  
 5           the Secretary of the Interior.

6           (4) TRUST.—The term “Trust” means the Na-  
 7           tional Park Trust, Inc. (which is a District of Co-  
 8           lumbia nonprofit corporation), or any successor-in-  
 9           interest, subsidiary, affiliate, trustee, or legal rep-  
 10          resentative of the National Park Trust, Inc. that  
 11          possesses legal or equitable ownership or manage-  
 12          ment rights with respect to land and improvements  
 13          on land that constitutes any portion of the Preserve.

14   **SEC. 4. ESTABLISHMENT OF TALLGRASS PRAIRIE NA-**  
 15                           **TIONAL PRESERVE.**

16          (a) IN GENERAL.—In order to provide for the preser-  
 17          vation, restoration, and interpretation of the Spring Hill  
 18          Ranch area of the Flint Hills of Kansas, for the benefit  
 19          and enjoyment of present and future generations, there  
 20          is hereby established the Tallgrass Prairie National  
 21          Preserve.

22          (b) DESCRIPTION.—The Preserve shall consist of the  
 23          lands, waters, and interests therein, including approxi-  
 24          mately 10,894 acres, generally depicted on the map enti-  
 25          tled “Boundary Map, Flint Hills Prairie National Monu-

1 ment” numbered NM-TGP 80,000 and dated June 1994,  
 2 more particularly described in the deed filed at 8:22 a.m.  
 3 of June 3, 1994, with the Office of the Register of Deeds  
 4 in Chase County, Kansas, and recorded in Book L-106  
 5 at pages 328 through 339, inclusive. In the case of any  
 6 difference between such map and legal description, such  
 7 legal description shall govern, except that if, as a result  
 8 of a survey, the Secretary determines that there is a dis-  
 9 crepancy with respect to the boundary of the Preserve that  
 10 may be corrected by making minor changes to the map  
 11 or legal description, the Secretary is directed to make such  
 12 minor changes. The map shall be on file and available for  
 13 public inspection in the appropriate offices of the National  
 14 Park Service of the Department of the Interior.

15 **SEC. 5. ADMINISTRATION OF NATIONAL PRESERVE.**

16 (a) IN GENERAL.—The Secretary shall administer  
 17 the Preserve in accordance with this Act, the cooperative  
 18 agreements described in subsection (f)(1), and the provi-  
 19 sions of law generally applicable to units of the National  
 20 Park System, including the Act entitled “An Act to estab-  
 21 lish a National Park Service, and for other purposes”, ap-  
 22 proved August 25, 1916 (16 U.S.C. 1, 2 through 4) and  
 23 the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461  
 24 et seq.).

1       (b) APPLICATION OF REGULATIONS.—The regula-  
2 tions issued by the Secretary concerning the National  
3 Park Service that provide for the proper use, management,  
4 and protection of persons, property, and natural and cul-  
5 tural resources shall apply within the boundaries of the  
6 Preserve.

7       (c) FACILITIES.—For purposes of carrying out the  
8 duties of the Secretary under this Act relating to the Pre-  
9 serve, the Secretary may, with the consent of the land-  
10 owner—

11           (1) directly or by contract, construct, recon-  
12 struct, rehabilitate, or develop essential buildings,  
13 structures, and related facilities including roads,  
14 trails, and other interpretive facilities on real prop-  
15 erty that is not owned by the Federal Government  
16 and is located within the Preserve; and

17           (2) maintain and operate programs in connec-  
18 tion with the Preserve.

19       (d) LIABILITY.—

20           (1) LANDOWNERS.—Notwithstanding any other  
21 provision of law, no person who owns any land or in-  
22 terest in land within the Preserve shall be liable for  
23 injury to, or damages suffered by, any other person  
24 who is injured or damaged while upon the land with-  
25 in the Preserve if—

1           (A) such injury or damages result from  
 2           any act or omission of the Secretary or any offi-  
 3           cer, employee, or agent of the Secretary; or

4           (B) such liability would arise solely by rea-  
 5           son of the ownership by the defendant of such  
 6           land or interest in land and such injury or dam-  
 7           ages are not proximately caused by the wanton  
 8           or willful misconduct of the defendant.

9           (2) LIABILITY OF UNITED STATES AND OFFI-  
 10          CERS AND EMPLOYEES OF THE UNITED STATES.—

11         (A) Nothing in this subsection or in any other provi-  
 12         sion of this Act may be construed to exempt the  
 13         Federal Government, or any officer or employee of  
 14         the Federal Government, from any liability for any  
 15         act or omission for which the Federal Government,  
 16         or such officer or employee, as the case may be,  
 17         would otherwise be liable under any applicable provi-  
 18         sion of law.

19         (B) Nothing in this subsection or in any other  
 20         provision of this Act may be construed to impose on  
 21         the Federal Government, or any officer or employee  
 22         of the Federal Government, any liability for any act  
 23         or omission of any other person or entity for any act  
 24         or omission of such other person or entity for which  
 25         the Federal Government, or such officer or em-



1        ployee, as the case may be, would otherwise not be  
 2        liable under any applicable provision of law.

3        (c) FEES.—Notwithstanding any other provision of  
 4        law, the Preserve shall be considered a designated unit of  
 5        the National Park System, including for the purposes of  
 6        charging entrance and admission fees under section 4 of  
 7        the Land and Water Conservation Fund Act of 1965 (16  
 8        U.S.C. 4601–6a).

9        (f) AGREEMENTS AND DONATIONS.—

10            (1) AGREEMENTS.—The Secretary is authorized  
 11        to expend Federal funds for the cooperative manage-  
 12        ment of private property within the Preserve for re-  
 13        search, resource management (including pest control  
 14        and noxious weed control, fire protection, and the  
 15        restoration of buildings), and visitor protection and  
 16        use. The Secretary may enter into one or more coop-  
 17        erative agreements with public or private agencies,  
 18        organizations, and institutions to further the pur-  
 19        poses of this Act (as specified in section 2(b)), in-  
 20        cluding entering into a memorandum of understand-  
 21        ing with the appropriate official of the county in  
 22        which the Preserve is located to provide for such  
 23        services as law enforcement and emergency services.

24            (2) DONATIONS.—Notwithstanding any other  
 25        provision of law, the Secretary may solicit, accept,

1 retain, and expend donations of funds, property  
 2 (other than real property), or services from individ-  
 3 uals, foundations, corporations, or public entities for  
 4 the purposes of providing programs, services, facili-  
 5 ties, or technical assistance that further the pur-  
 6 poses of this Act.

7 ~~(g) GENERAL MANAGEMENT PLAN.—~~

8 (1) ~~IN GENERAL.~~—Not later than the termi-  
 9 nation date of the third full fiscal year beginning  
 10 after the date of establishment of the Preserve, the  
 11 Secretary shall prepare and submit to the Commit-  
 12 tee on Energy and Natural Resources of the Senate  
 13 and the Committee on Resources of the House of  
 14 Representatives a general management plan for the  
 15 Preserve.

16 ~~(2) CONSULTATION.~~—In preparing the general  
 17 management plan, the Secretary, acting through the  
 18 Director of the National Park Service, shall consult  
 19 with—

20 (A)(i) appropriate officials of the Trust;

21 and

22 (ii) the Advisory Committee established  
 23 under section 7; and

24 (B) adjacent landowners, appropriate offi-  
 25 cials of nearby communities, the Kansas De-

1       partment of Wildlife and Parks, and the Kan-  
2       sas Historical Society, and other interested par-  
3       ties.

4       ~~(3)~~ CONTENT OF PLAN.—The general manage-  
5       ment plan shall provide for the following:

6               (A) Maintaining and enhancing the  
7       tallgrass prairie ecosystem within the bound-  
8       aries of the Preserve.

9               (B) Public access and enjoyment of the  
10      property that is consistent with the conserva-  
11      tion and proper management of the historical,  
12      cultural, and natural resources of the ranch,  
13      lands of adjoining landowners, and surrounding  
14      communities.

15              (C) Interpretive and educational programs  
16      covering the natural history of the prairie, the  
17      cultural history of Native Americans, and the  
18      legacy of ranching in the Flint Hills region.

19              (D) Provisions requiring the application of  
20      applicable State law concerning the mainte-  
21      nance of adequate fences within the boundaries  
22      of the Preserve. In any case in which an activ-  
23      ity of the National Park Service requires fences  
24      that exceed the legal fence standard otherwise  
25      applicable to the Preserve, the National Park

1 Service shall pay the additional cost of con-  
2 structing and maintaining the fences to meet  
3 the applicable requirements for that activity.

4 (E) Provisions requiring the Secretary to  
5 comply with applicable State noxious weed, pes-  
6 ticide, and animal health laws.

7 (F) Provisions requiring compliance with  
8 applicable Federal and State water laws and  
9 waste disposal laws (including regulations) and  
10 any other applicable law.

11 (G) Provisions requiring the Secretary to  
12 honor each valid existing oil and gas lease for  
13 lands within the boundaries of the Preserve (as  
14 described in section 4(b)) that is in effect on  
15 the date of enactment of this Act.

16 (H) Provisions requiring the Secretary to  
17 offer to enter into an agreement with each indi-  
18 vidual who, as of the date of enactment of this  
19 Act, holds rights for cattle grazing within the  
20 boundaries of the Preserve (as described in sec-  
21 tion 4(b)).

22 **SEC. 6. LIMITED AUTHORITY TO ACQUIRE.**

23 (a) IN GENERAL.—The Secretary is authorized and  
24 directed to acquire, by donation or purchase with donated  
25 or appropriated funds, at fair market value—

1           (1) not more than 180 acres of real property  
 2           within the boundaries of the Preserve (as described  
 3           in section 4(b)) and the improvements thereon; and  
 4           (2) rights-of-way on roads that are not owned  
 5           by the State of Kansas within the boundaries of the  
 6           Preserve.

7           (b) PAYMENTS IN LIEU OF TAXES.—For the pur-  
 8           poses of payments made pursuant to chapter 69 of title  
 9           31, United States Code, the real property described in  
 10          subsection (a)(1) shall be deemed to have been acquired  
 11          for the purposes specified in section 6904(a) of such title  
 12          31.

13          (c) PROHIBITIONS.—No property may be acquired  
 14          under this section without the consent of the owner of the  
 15          property. The United States may not acquire fee owner-  
 16          ship of any lands within the Preserve other than lands  
 17          described in this section.

18   **SEC. 7. ADVISORY COMMITTEE.**

19          (a) ESTABLISHMENT.—There is established an advi-  
 20          sory committee to be known as the “Tallgrass Prairie Na-  
 21          tional Preserve Advisory Committee”.

22          (b) DUTIES.—The Advisory Committee shall advise  
 23          the Secretary and the Director of the National Park Serv-  
 24          ice concerning the development, management, and inter-  
 25          pretation of the Preserve. In carrying out such duties, the

1 Advisory Committee shall provide timely advice to the Sec-  
2 retary and the Director during the preparation of the gen-  
3 eral management plan required by section 5(g).

4 (c) MEMBERSHIP.—The Advisory Committee shall  
5 consist of the following 13 members, who shall be ap-  
6 pointed by the Secretary as follows:

7 (1) Three members shall be representatives of  
8 the Trust.

9 (2) Three members shall be representatives of  
10 local landowners, cattle ranchers, or other agricul-  
11 tural interests.

12 (3) Three members shall be representatives of  
13 conservation or historic preservation interests.

14 (4) Three members, who shall be appointed as  
15 follows:

16 (A) One member shall be selected from a  
17 list of nominations submitted to the Secretary  
18 by the Chase County Commission in the State  
19 of Kansas.

20 (B) One member shall be selected from a  
21 list of nominations jointly submitted to the Sec-  
22 retary by appropriate officials of Strong City,  
23 Kansas, and Cottonwood Falls, Kansas.

1           (C) One member shall be selected from a  
 2           list of nominations submitted to the Secretary  
 3           by the Governor of the State of Kansas.

4           (5) One member shall be a range management  
 5           specialist representing institutions of higher edu-  
 6           cation (as defined in section 1201(a) of the Higher  
 7           Education Act of 1965 (20 U.S.C. 1141(a))) in the  
 8           State of Kansas.

9           (d) TERMS.—

10           (1) IN GENERAL.—Each member of the Advi-  
 11           sory Committee shall be appointed to serve for a  
 12           term of 3 years, except that the initial members  
 13           shall be appointed as follows:

14           (A) Four members shall be appointed, one  
 15           each from paragraphs (1), (2), (3), and (4) of  
 16           subsection (c), to serve for a term of 3 years.

17           (B) Four members shall be appointed, one  
 18           each from paragraphs (1), (2), (3), and (4) of  
 19           subsection (c), to serve for a term of 4 years.

20           (C) Five members shall be appointed, one  
 21           each from paragraphs (1) through (5) of sub-  
 22           section (c), to serve for a term of 5 years.

23           (2) REAPPOINTMENT.—Each member may be  
 24           reappointed to serve for a subsequent term.

1           ~~(3) EXPIRATION.—~~Each member shall continue  
2           to serve after the expiration of the term of the mem-  
3           ber until a successor is appointed.

4           ~~(4) VACANCIES.—~~A vacancy on the Advisory  
5           Committee shall be filled in the same manner as an  
6           original appointment is made. The member ap-  
7           pointed to fill the vacancy shall serve until the expi-  
8           ration of the term in which the vacancy occurred.

9           ~~(c) CHAIRPERSON.—~~The Secretary shall appoint one  
10          of the members who is a representative from the Trust  
11          appointed under subsection (c)(1) to serve as Chairperson.

12          ~~(f) MEETINGS.—~~Meetings of the Advisory Committee  
13          shall be held at the call of the Chairperson or the majority  
14          of the Advisory Committee. Meetings shall be held at such  
15          locations and in such manner as to ensure adequate oppor-  
16          tunity for public involvement. In compliance with the re-  
17          quirements of the Federal Advisory Committee Act (5  
18          U.S.C. App.); the Advisory Committee shall choose an ap-  
19          propriate means of providing interested members of the  
20          public advance notice of scheduled meetings.

21          ~~(g) QUORUM.—~~A majority of the members of the Ad-  
22          visory Committee shall constitute a quorum.

23          ~~(h) COMPENSATION.—~~Each member of the Advisory  
24          Committee shall serve without compensation, except that  
25          while engaged in official business of the Advisory Commit-



tee, the member shall be entitled to travel expenses, including per diem in lieu of subsistence in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(i) CHARTER.—The rechartering provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) are hereby waived with respect to the Advisory Committee.

**SEC. 8. RESTRICTION ON AUTHORITY.**

Nothing in this Act shall give the Secretary authority to regulate lands outside the boundaries of the Preserve.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out this Act.

**SECTION 1. SHORT TITLE.**

*This subtitle may be cited as the “Tallgrass Prairie National Preserve Act of 1996”.*

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) of the 400,000 square miles of tallgrass prairie that once covered the North American Continent, less than 1 percent remains, primarily in the Flint Hills of Kansas;

1           (2) *in 1991, the National Park Service conducted*  
2           *a special resource study of the Spring Hill Ranch, lo-*  
3           *cated in the Flint Hills of Kansas;*

4           (3) *the study concludes that the Spring Hill*  
5           *Ranch—*

6                   (A) *is a nationally significant example of*  
7                   *the once vast tallgrass ecosystem, and includes*  
8                   *buildings listed on the National Register of His-*  
9                   *toric Places pursuant to section 101 of the Na-*  
10                  *tional Historic Preservation Act (16 U.S.C.*  
11                  *470a) that represent outstanding examples of*  
12                  *Second Empire and other 19th Century architec-*  
13                  *tural styles; and*

14                  (B) *is suitable and feasible as a potential*  
15                  *addition to the National Park System; and*

16           (4) *the National Park Trust, which owns the*  
17           *Spring Hill Ranch, has agreed to permit the National*  
18           *Park Service—*

19                   (A) *to purchase a portion of the ranch, as*  
20                   *specified in this subtitle; and*

21                   (B) *to manage the ranch in order to—*

22                           (i) *conserve the scenery, natural and*  
23                           *historic objects, and wildlife of the ranch;*  
24                           *and*

1                   (ii) provide for the enjoyment of the  
 2                   ranch in such a manner and by such means  
 3                   as will leave the scenery, natural and his-  
 4                   toric objects, and wildlife unimpaired for  
 5                   the enjoyment of future generations.

6           (b) *PURPOSES.*—The purposes of this Act are—

7                   (1) to preserve, protect, and interpret for the  
 8                   public an example of a tallgrass prairie ecosystem on  
 9                   the Spring Hill Ranch, located in the Flint Hills of  
 10                  Kansas; and

11                  (2) to preserve and interpret for the public the  
 12                  historic and cultural values represented on the Spring  
 13                  Hill Ranch.

14 **SEC. 3. DEFINITIONS.**

15       *In this Act:*

16                  (1) *ADVISORY COMMITTEE.*—The term “Advisory  
 17                  Committee” means the Advisory Committee estab-  
 18                  lished under section 7.

19                  (2) *PRESERVE.*—The term “Preserve” means the  
 20                  Tallgrass Prairie National Preserve established by  
 21                  section 4.

22                  (3) *SECRETARY.*—The term “Secretary” means  
 23                  the Secretary of the Interior.

1           (4) *TRUST.*—*The term “Trust” means the Na-*  
 2           *tional Park Trust, Inc., a District of Columbia non-*  
 3           *profit corporation, or any successor-in-interest.*

4   **SEC. 4. ESTABLISHMENT OF TALLGRASS PRAIRIE NA-**  
 5           **TIONAL PRESERVE.**

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 7           *vation, restoration, and interpretation of the Spring Hill*  
 8           *Ranch area of the Flint Hills of Kansas, for the benefit and*  
 9           *enjoyment of present and future generations, there is estab-*  
 10          *lished the Tallgrass Prairie National Preserve.*

11          (b) *DESCRIPTION.*—*The Preserve shall consist of the*  
 12          *lands and interests in land, including approximately*  
 13          *10,894 acres, generally depicted on the map entitled*  
 14          *“Boundary Map, Flint Hills Prairie National Monument”*  
 15          *numbered NM–TGP 80,000 and dated June 1994, more*  
 16          *particularly described in the deed filed at 8:22 a.m. of June*  
 17          *3, 1994, with the Office of the Register of Deeds in Chase*  
 18          *County, Kansas, and recorded in Book L–106 at pages 328*  
 19          *through 339, inclusive. In the case of any difference between*  
 20          *the map and the legal description, the legal description shall*  
 21          *govern, except that if, as a result of a survey, the Secretary*  
 22          *determines that there is a discrepancy with respect to the*  
 23          *boundary of the Preserve that may be corrected by making*  
 24          *minor changes to the map, the Secretary shall make changes*  
 25          *to the map as appropriate, and the boundaries of the Pre-*

1 *serve shall be adjusted accordingly. The map shall be on*  
 2 *file and available for public inspection in the appropriate*  
 3 *offices of the National Park Service of the Department of*  
 4 *the Interior.*

5 **SEC. 5. ADMINISTRATION OF NATIONAL PRESERVE.**

6       (a) *IN GENERAL.*—*The Secretary shall administer the*  
 7 *Preserve in accordance with this Act, the cooperative agree-*  
 8 *ments described in subsection (f)(1), and the provisions of*  
 9 *law generally applicable to units of the National Park Sys-*  
 10 *tem, including the Act entitled “An Act to establish a Na-*  
 11 *tional Park Service, and for other purposes”, approved Au-*  
 12 *gust 25, 1916 (16 U.S.C. 1, 2 through 4) and the Act of*  
 13 *August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).*

14       (b) *APPLICATION OF REGULATIONS.*—*With the consent*  
 15 *of a private owner of land within the boundaries of the Pre-*  
 16 *serve, the regulations issued by the Secretary concerning the*  
 17 *National Park Service that provide for the proper use, man-*  
 18 *agement, and protection of persons, property, and natural*  
 19 *and cultural resources shall apply to the private land.*

20       (c) *FACILITIES.*—*For purposes of carrying out the du-*  
 21 *ties of the Secretary under this Act relating to the Preserve,*  
 22 *the Secretary may, with the consent of a landowner, di-*  
 23 *rectly or by contract, construct, reconstruct, rehabilitate, or*  
 24 *develop essential buildings, structures, and related facilities*  
 25 *including roads, trails, and other interpretive facilities on*

1 *real property that is not owned by the Federal Government*  
 2 *and is located within the Preserve.*

3 *(d) LIABILITY.—*

4 *(1) LIABILITY OF THE UNITED STATES AND ITS*  
 5 *OFFICERS AND EMPLOYEES.—Except as otherwise*  
 6 *provided in this Act, the liability of the United States*  
 7 *is subject to the terms and conditions of the Federal*  
 8 *Tort Claims Act, as amended, 28 U.S.C. 2671 et seq.,*  
 9 *with respect to the claims arising by virtue of the Sec-*  
 10 *retaries administration of the Preserve pursuant to*  
 11 *this Act.*

12 *(2) LIABILITY OF LANDOWNERS.—*

13 *(A) The Secretary of the Interior is author-*  
 14 *ized, under such terms and conditions as he*  
 15 *deems appropriate, to include in any cooperative*  
 16 *agreement entered into in accordance with sub-*  
 17 *section (f)(1) an indemnification provision by*  
 18 *which the United States agrees to hold harmless,*  
 19 *defend and indemnify the landowner in full from*  
 20 *and against any suit, claim, demand or action,*  
 21 *liability, judgment, cost or other fee arising out*  
 22 *of any claim of personal injury or property*  
 23 *damage that occurs in connection with the oper-*  
 24 *ation of the Preserve under the agreement: Pro-*

1           *vided however, That indemnification shall not*  
 2           *exceed \$3 million per claimant per occurrence.*

3           *(B) The indemnification provision author-*  
 4           *ization by subparagraph (A) shall not include*  
 5           *claims for personal injury or property damage*  
 6           *proximately caused by the wanton or willful*  
 7           *misconduct of the landowner.*

8           *(e) UNIT OF THE NATIONAL PARK SYSTEM.—The Pre-*  
 9           *serve shall be a unit of the National Park System for all*  
 10          *purposes, including the purpose of exercising authority to*  
 11          *charge entrance and admission fees under section 4 of the*  
 12          *Land and Water Conservation Fund Act of 1965 (16 U.S.C.*  
 13          *4601–6a).*

14          *(f) AGREEMENTS AND DONATIONS.—*

15           *(1) AGREEMENTS.—The Secretary may expend*  
 16          *Federal funds for the cooperative management of pri-*  
 17          *vate property within the Preserve for research, re-*  
 18          *source management (including pest control and nox-*  
 19          *ious weed control, fire protection, and the restoration*  
 20          *of buildings), and visitor protection and use.*

21           *(2) DONATIONS.—The Secretary may accept, re-*  
 22          *tain, and expend donations of funds, property (other*  
 23          *than real property), or services from individuals,*  
 24          *foundations, corporations, or public entities for the*  
 25          *purposes of providing programs, services, facilities, or*

1       *technical assistance that further the purposes of this*  
 2       *Act.*

3       (g) *GENERAL MANAGEMENT PLAN.*—

4               (1) *IN GENERAL.*—*Not later than the end of the*  
 5       *third full fiscal year beginning after the date of enact-*  
 6       *ment of this Act, the Secretary shall prepare and sub-*  
 7       *mit to the Committee on Energy and Natural Re-*  
 8       *sources of the Senate and the Committee on Resources*  
 9       *of the House of Representatives a general manage-*  
 10       *ment plan for the Preserve.*

11              (2) *CONSULTATION.*—*In preparing the general*  
 12       *management plan, the Secretary, acting through the*  
 13       *Director of the National Park Service, shall consult*  
 14       *with—*

15                       (A)(i) *appropriate officials of the Trust;*

16                       *and*

17                       (ii) *the Advisory Committee; and*

18                       (B) *adjacent landowners, appropriate offi-*  
 19       *cials of nearby communities, the Kansas Depart-*  
 20       *ment of Wildlife and Parks, and the Kansas His-*  
 21       *torical Society, and other interested parties.*

22              (3) *CONTENT OF PLAN.*—*The general manage-*  
 23       *ment plan shall provide for the following:*



1           (A) *Maintaining and enhancing the*  
2           *tallgrass prairie within the boundaries of the*  
3           *Preserve.*

4           (B) *Public access and enjoyment of the*  
5           *property that is consistent with the conservation*  
6           *and proper management of the historical, cul-*  
7           *tural, and natural resources of the ranch.*

8           (C) *Interpretive and educational programs*  
9           *covering the natural history of the prairie, the*  
10          *cultural history of Native Americans, and the*  
11          *legacy of ranching in the Flint Hills region.*

12          (D) *Provisions requiring the application of*  
13          *applicable State law concerning the maintenance*  
14          *of adequate fences within the boundaries of the*  
15          *Preserve. In any case in which an activity of the*  
16          *National Park Service requires fences that exceed*  
17          *the legal fence standard otherwise applicable to*  
18          *the Preserve, the National Park Service shall pay*  
19          *the additional cost of constructing and main-*  
20          *taining the fences to meet the applicable require-*  
21          *ments for that activity.*

22          (E) *Provisions requiring the Secretary to*  
23          *comply with applicable State noxious weed, pes-*  
24          *ticide, and animal health laws.*

1           (F) Provisions requiring compliance with  
 2           applicable State water laws and Federal and  
 3           State waste disposal laws (including regulations)  
 4           and any other applicable law.

5           (G) Provisions requiring the Secretary to  
 6           honor each valid existing oil and gas lease for  
 7           lands within the boundaries of the Preserve (as  
 8           described in section 4(b)) that is in effect on the  
 9           date of enactment of this Act.

10          (H) Provisions requiring the Secretary to  
 11          offer to enter into an agreement with each indi-  
 12          vidual who, as of the date of enactment of this  
 13          Act, holds rights for cattle grazing within the  
 14          boundaries of the Preserve (as described in sec-  
 15          tion 4(b)).

16          (4) HUNTING AND FISHING.—The Secretary may  
 17          allow hunting and fishing on Federal lands within  
 18          the Preserve.

19          (5) FINANCIAL ANALYSIS.—As part of the devel-  
 20          opment of the general management plan, the Sec-  
 21          retary shall prepare a financial analysis indicating  
 22          how the management of the Preserve may be fully  
 23          supported through fees, private donations, and other  
 24          forms of non-Federal funding.

1 **SEC. 6. LIMITED AUTHORITY TO ACQUIRE.**

2       (a) *IN GENERAL.*—*The Secretary shall acquire, by do-*  
 3 *nation, not more than 180 acres of real property within*  
 4 *the boundaries of the Preserve (as described in section 4(b))*  
 5 *and the improvements of the real property.*

6       (b) *PAYMENTS IN LIEU OF TAXES.*—*For the purposes*  
 7 *of payments made under chapter 69 of title 31, United*  
 8 *States Code, the real property described in subsection (a)(1)*  
 9 *shall be deemed to have been acquired for the purposes speci-*  
 10 *fied in section 6904(a) of that title.*

11       (c) *PROHIBITIONS.*—*No property may be acquired*  
 12 *under this section without the consent of the owner of the*  
 13 *property. The United States may not acquire fee ownership*  
 14 *of any lands within the Preserve other than lands described*  
 15 *in this section.*

16 **SEC. 7. ADVISORY COMMITTEE.**

17       (a) *ESTABLISHMENT.*—*There is established an advi-*  
 18 *sory committee to be known as the “Tallgrass Prairie Na-*  
 19 *tional Preserve Advisory Committee”.*

20       (b) *DUTIES.*—*The Advisory Committee shall advise the*  
 21 *Secretary and the Director of the National Park Service*  
 22 *concerning the development, management, and interpreta-*  
 23 *tion of the Preserve. In carrying out those duties, the Advi-*  
 24 *sory Committee shall provide timely advice to the Secretary*  
 25 *and the Director during the preparation of the general*  
 26 *management plan under section 5(g).*

1       (c) *MEMBERSHIP.*—*The Advisory Committee shall*  
2 *consist of 13 members, who shall be appointed by the Sec-*  
3 *retary as follows:*

4           (1) *Three members shall be representatives of the*  
5 *Trust.*

6           (2) *Three members shall be representatives of*  
7 *local landowners, cattle ranchers, or other agricul-*  
8 *tural interests.*

9           (3) *Three members shall be representatives of*  
10 *conservation or historic preservation interests.*

11           (4)(A) *One member shall be selected from a list*  
12 *of persons recommended by the Chase County Com-*  
13 *mission in the State of Kansas.*

14           (B) *One member shall be selected from a list of*  
15 *persons recommended by appropriate officials of*  
16 *Strong City, Kansas, and Cottonwood Falls, Kansas.*

17           (C) *One member shall be selected from a list of*  
18 *persons recommended by the Governor of the State of*  
19 *Kansas.*

20           (5) *One member shall be a range management*  
21 *specialist representing institutions of higher education*  
22 *(as defined in section 1201(a) of the Higher Edu-*  
23 *cation Act of 1965 (20 U.S.C. 1141(a))) in the State*  
24 *of Kansas.*

25       (d) *TERMS.*—

1           (1) *IN GENERAL.*—Each member of the Advisory  
2       Committee shall be appointed to serve for a term of  
3       3 years, except that the initial members shall be ap-  
4       pointed as follows:

5           (A) Four members shall be appointed, one  
6       each from paragraph (1), (2), (3), and (4) of  
7       subsection (c), to serve for a term of 3 years.

8           (B) Four members shall be appointed, one  
9       each from paragraphs (1), (2), (3), and (4) of  
10      subsections (c), to serve for a term of 4 years.

11          (C) Five members shall be appointed, one  
12      each from paragraphs (1) through (5) of sub-  
13      section (c), to serve for a term of 5 years.

14          (2) *REAPPOINTMENT.*—Each member may be re-  
15      appointed to serve a subsequent term.

16          (3) *EXPIRATION.*—Each member shall continue  
17      to serve after the expiration of the term of the member  
18      until a successor is appointed.

19          (4) *VACANCIES.*—A vacancy on the Advisory  
20      Committee shall be filled in the same manner as an  
21      original appointment is made. The member appointed  
22      to fill the vacancy shall serve until the expiration of  
23      the term in which the vacancy occurred.

1       (e) *CHAIRPERSON.*—*The members of the Advisory*  
2 *Committee shall select 1 of the members to serve as Chair-*  
3 *person.*

4       (f) *MEETINGS.*—*Meetings of the Advisory Committee*  
5 *shall be held at the call of the Chairperson or the majority*  
6 *of the Advisory Committee. Meetings shall be held at such*  
7 *locations and in such a manner as to ensure adequate op-*  
8 *portunity for public involvement. In compliance with the*  
9 *requirements of the Federal Advisory Committee Act (5*  
10 *U.S.C. App.), the Advisory Committee shall choose an ap-*  
11 *propriate means of providing interested members of the*  
12 *public advance notice of scheduled meetings.*

13       (g) *QUORUM.*—*A majority of the members of the Advi-*  
14 *sory Committee shall constitute a quorum.*

15       (h) *COMPENSATION.*—*Each member of the Advisory*  
16 *Committee shall serve without compensation, except that*  
17 *while engaged in official business of the Advisory Commit-*  
18 *tee, the member shall be entitled to travel expenses, includ-*  
19 *ing per diem in lieu of subsistence in the same manner as*  
20 *persons employed intermittently in Government service*  
21 *under section 5703 of title 5, United States Code.*

22       (i) *CHARTER.*—*The rechartering provisions of section*  
23 *14(b) of the Federal Advisory Committee Act (5 U.S.C.*  
24 *App.) shall not apply to the Advisory Committee.*

1 **SEC. 8. RESTRICTION ON AUTHORITY.**

2       *Nothing in this Act shall give the Secretary authority*  
3 *to regulate lands outside the land area acquired by the Sec-*  
4 *retary under section 6(a).*

5 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

6       *There are authorized to be appropriated to the Depart-*  
7 *ment of the Interior such sums as are necessary to carry*  
8 *out this Act.*